

REMARKS

Claims 35, 36 and 39-45 are pending in this application. By this Amendment, claims 35 and 36 are amended. Reconsideration based on the above amendments and following remarks is respectfully requested.

I. The Claims Satisfy Obviousness-Type Double Patenting Requirements

The Office Action provisionally rejects claims 35, 36 and 39-45 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-49 of co-pending application 09/101,083. This provisional rejection is respectfully traversed.

Because co-pending application 09/101,083 has not issued or been allowed as of the filing of this paper, filing a Terminal Disclaimer to obviate a provisional double-patenting rejection is premature. Withdrawal of the provisional double patenting rejection is respectfully requested.

II. Claims 35, 36 and 39-45 Satisfy the Requirements of 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 35, 36 and 39-45 under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. Specifically, the Office Action asserts that there is no support in the written description for the term "different" in the claim recitation "the underlying layer constituting a different layer relative to the at least one luminescent layer" set forth in claims 35 and 36.

Claims 35 and 36 have been amended to eliminate the rejected claim language. Thus, the rejection is moot. Withdrawal of the rejection of claims 35 and 36 under 35 U.S.C. §112, first paragraph, is respectfully requested.

The Office Action further asserts that the claim recitation "the neighboring layers physically contacting each other", as set forth in claims 39-45, lacks support. The Office

Action, at page 3, item 6, states that "it is not clear how this is accomplished since the materials are what appear to be non-overlapping layers".

Applicants respectfully direct the Examiner's attention to Figs. 9a-9d, and page 28, lines 5-8, disclosing neighboring luminescent layers 906, 907 and 908 physically contacting each other. Thus, Applicants respectfully submit that the claim recitation "the neighboring layers physically contacting each other" set forth in claims 39-45 is fully supported by the specification. Withdrawal of the rejection of claims 39-45 under 35 U.S.C. §112, first paragraph, is respectfully requested.

III. Claims 35 and 36 Satisfy the Requirements of 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 35 and 36 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Office Action asserts that the claim recitation "different layer" is not clear.

Claims 35 and 36 have been amended to eliminate the rejected claim language. Thus, the rejection is moot. Withdrawal of the rejection of claims 35 and 36 under 35 U.S.C. §112, second paragraph, is respectfully requested.

IV. All Pending Claims Are Patentable

The Office Action rejects claims 36 and 39-45 under 35 U.S.C. §103(a) over U.S. Patent No. 5,895,692 to Shirasaki et al. (hereinafter "Shirasaki"). The rejection is respectfully traversed.

Regarding independent claim 36, Shirasaki does not teach or suggest an organic EL device comprising, inter alia, the formation of the at least one luminescent layer being performed by discharging a luminescent material composition from the nozzle toward the substrate and onto an underlying layer, the luminescent material composition serving as luminescence function and carrier transfer function in the formed at least one luminescent layer.

The Office Action, at page 7, item 12, admits that Shirasaki does not disclose, teach or suggest the method set forth in independent claim 35 which includes the feature reciting "the luminescent material composition serving as luminescence function and carrier transfer function in the formed at least one luminescent layer". Applicants respectfully submit that because Shirasaki fails to disclose a method of manufacture including the above feature, Shirasaki fails to teach or suggest an organic EL device having a luminescent layer that is formed using a luminescent material composition serving as luminescence function and carrier transfer function, as set forth in claim 36.

Further, Shirasaki fails to disclose, teach or suggest a method of manufacturing an organic EL device including a plurality of luminescent layers, the neighboring luminescent layers physically contacting each other, as recited in independent claim 39.

The Office Action, at page 7, item 11, asserts that Shirasaki teaches methods that involve the diffusion of the dye from the surface. Further, the Examiner takes the position that "the diffusion would allow the pixels to fan out and touch each other." Applicants respectfully disagree with the Examiner's interpretation of Shirasaki and its application to claims 39-45.

Shirasaki, at least at col. 9, lines 4-12, and in Figs. 1, 8B and 10, discloses that the color luminescent portions 13a, 13b and 13c are separated from each other. Specifically, Shirasaki clearly discloses that

[s]ince the luminescent layer 13 includes the red luminescent portion 13a, the green luminescent portion 13b and the blue luminescent portion 13c separated from one another and placed at the intersections of the transparent electrodes 12 and the metal electrodes 15, the matrix electrode consisting of the transparent electrodes 12 and the metal electrodes 15 is driven to mix the respective luminescent colors, so that the organic EL device provides a full-color and multi-color displays.

(See Shirasaki, at col. 9, lines 4-12, emphasis added)

Thus, Shirasaki, in both its illustrations and description of the device, clearly teaches neighboring luminescent layers being separated from each other. In contrast, the invention set forth in claims 39-45 recite neighboring luminescent layers physically contacting each other.

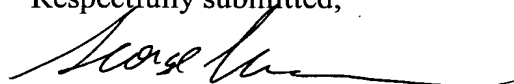
For at least the reasons discussed above, Applicants respectfully submit that independent claims 36 and 39 are patentable over the applied art. Claims 40-45, which depend from claim 39, also are patentable over the applied art for at least the reasons discussed above. Withdrawal of the rejection of claims 36 and 39-45 under 35 U.S.C. §103(a) is respectfully requested.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 35, 36 and 39-45 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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